



City of Arts & Innovation

COMPREHENSIVE SIGN CODE UPDATE SIGN CODE REVIEW COMMITTEE MINUTES

Thursday, April 16, 2015

3:00 p.m.

MAYOR'S CEREMONIAL ROOM, CITY HALL
3900 MAIN STREET

Attendance

Committee and Community Members: Scott Andrews, Rod Balance, Robin Bell, Janice Bielman, Finn Comer, Allison Dale, Christina Duran, Mark Earley, Chris Fielder, Jennifer Gamble, Pepi Jackson, Michael Johnston, Janice Penner, Thomas Riggle, Claudia Rodriguez, Cindy Roth, Milton Solomon, Tina Teets, Andrew Walcker, Steve Whyld, Dana Winant

Staff: Planning Division: Doug Darnell, Steve Hayes
City Attorney's Office: Robert Hansen

Consultants: Randal Morrison, Sabine & Morrison, Vivian Kahn, Dyett & Bhatia

1. Open Meeting

Chair Thomas Riggle called the meeting to order.

2. Pledge

Steve Whyld directed all in attendance with the Pledge of the allegiance

3. Oral Communications from the audience

Chair Riggle asked if there was anyone in the audience who would like to speak. There was no one in the audience requesting to speak.

4. Objectives

The objective is to review the comments from the last committee meeting and in hopes to review and address all of the issues that were brought up from the last meeting and today than to move the sign code onto the Land Use Committee and Planning Commission and so farther.

5. Recap & Staff Response to Committee Comments from the April 2, 2015 SCRC Meeting

Mr. Darnell recapped comments and answers to those comments from the SCRC meeting that were held on April 2, 2015. Powerpoint Presentation

6. Open Discussion and Comments

- Temporary Sign Permit fee: There is no fee determined at this time but the intent is that it will be the minimum necessary to administer the process.

Mr. Walcker asked if we would make it possible to apply for the temporary permit on-line and indicated that it would just remove another barrier. Staff responded by indicating that we would look into facilitating this.

Ms. Roth agreed that we should do this and as long as if E-Plans is used, that in submitting it can be approved and be executed quickly. Will there be a separate meeting to determine the fee?

Since fee has not been stated, it was clarified that a fee would be a separate process approved by Council fee Resolution.

Ms. Roth also mentioned that there should be another discussion before City Council concerning enforcement and fining for temporary signs and that it be business friendly.

Mr. Darnell indicated staff would look into this. It was clarified that there is no material change to the Code to make as part of the Committee.

- Portable A-frames in the pedestrian mall in in Downtown. A prior Committee question was, "Will the new requirement for temporary permits affect businesses in Downtown?" Chairman Riggle, clarified that Downtown A-frames are regulated under a separate Chapter of the Zoning Code (Chapter 19.625)

Ms. Penner indicated that she did not want to hold up the sign Code and was willing to wait for future time to carry forward recommendations regarding portable A-frames in the Downtown Pedestrian mall. However, she requested a place holder for this issue. Her concern related to uniformity in our treatment of businesses in the pedestrian mall. She explained that in the Downtown, the differentiation between restaurants and retailers is constantly remarked on, particularly as we are growing our retail center. Imperial Hardware lofts and the Stalder building will have significant retail space, and this issue will continue to come up.

Mr. Darnell indicated this direction will need an amendment to Chapter 19.625.

It was clarified that Stalder Building is not on the pedestrian mall but is still subject to the Downtown Specific Plan. It was suggested that the Committee forward a recommendation that the Planning Commission ask the Council to initiate the amendment sometime in the future.

Ms. Penner made a **Motion** to bring forward the matter A-frame signage on the Downtown pedestrian mall to the Planning Commission to recommend the City Council consider expansion of who may be able to do so and initiating amendments as necessary to Chapter 19.625 and the Downtown Specific Plan. The **Motion** seconded by Mr. Walcker. The Committee voted and the **Motion** carried unanimously.

There was a question and discussion regarding A-frames outside of Downtown Specific Plan. A-frames would be allowed under the proposed sign provisions but only on private property. It was further stated that the proposed sign provisions deal with signs on private property only.

Mr. Morrison, the City's outside Legal Counsel, said that he recommended to Jay Eastman that if A-frames are allowed, insurance should be required with A-frames because they pose a hazard (e.g. people with canes, wheel chairs, wind blows them down, cars run into them, etc.). There are all kinds of risks with A-frames that you do not get elsewhere.

- Temporary Signs. Length of time for a temporary sign (30 days max.) - Timeframe should be at least 60 days. With respect to duration for display of temporary signs the Committee discussed these provisions and it was clarified that the provisions would allow for the holidays an extended continuous display period greater than 30 days. This would allow continuous display from one week before Thanksgiving and one week before New Year's, a total of approximately 50 days. It was clarified that the maximum cumulative display period for a year is 60 days. In addition, a separate permit would be required for each separate display period (not exceeding a cumulative total of 60 days).

The Committee discussed what types of signs are considered temporary signs including discussion regarding balloons.

A **Motion** was made to include balloons under temporary signs for a maximum of 60 days a year. The **Motion** was seconded by Ms. Roth. The Committee voted and the **Motion** carried unanimously.

Related to temporary signs, Ms. Dale asked, why the Subcommittee did not want to allow feather banner signs. Ms. Kahn indicated that when consultants drove around looking at what appeared to be the sign problems, the feather banners appeared to be the biggest problem. They are everywhere, they get tattered, their large, they move and oscillate, and are up all the time and don't get taken down. Members of the Committee remarked that Code needs to clarify that a feather of sign is prohibited. Feather banners need to be specifically called out.

Ms. Kahn indicated that the way the banner section on page 42 reads, it suggests that a feather sign would not be permitted. The way the standard is written sounds like that only a banner that is attached at all four corners is permitted and a feather sign is flapping in the air. Mr. Riggle thought that feather banners were prohibited under Section 19.620.090. The proposed Code specifically states, "one banner not exceeding 25% of the area of building wall or window of the establishment that is stretched and secured flat against a building wall and does not extend higher than the building eave or parapet wall. Ms. Kahn stated that the thought was that, the standard for banner was specific enough that feather banner or pennant was going to be excluded, but we can specifically say that, if that is the Committee's pleasure.

Mr. Riggle asked the Committee if we should add feather signs to Section 19.620.050 as an additional sign that is expressly prohibited, or add them to Section 19.620.090 under banners. Mr. Morrison indicated that if you want a total prohibition then you put it in the list of complete prohibitions.

Janice Penner made the **Motion** to prohibit feather banner signs (complete prohibition of feather banners under Section 19.620.050). The **Motion** was seconded by Mark Thompson. The Committee voted and the **Motion** carried with one objection.

- Sign permits and fees. A prior comment was that the City should make it very simple and inexpensive for sign companies to get a permit and no permit should be more than \$50 dollars. Mr. Earley asked what happens if an applicant has objections to the fees. It was clarified that the Council sets the fees. When a proposed fee goes to City Council any objections to fees would need to be brought up to Council at the time a fee resolution to establish fees.
- Freeway signs. A prior concern was made that tenants get freeway signs but they are only be allowed for commercial complexes 9 or more acres in size. How did the subcommittee reach decision on the size?

Mr. Riggle explained that the Subcommittee did a survey of properties and mapped locations where freeway signs might be allowed including freeway off-ramp locations and based on property sizes along the freeway. The Committee determined, based on study of the freeway corridor, how many potential freeway signs could be added based on site size. The Subcommittee was concerned with a proliferation of freeway signs along the corridor. He explained that the Subcommittee had extensive discussion back and forth as to what the right number was and ended up on 9 acres. Other considerations were specific plan locations such as the Auto Center and Canyon Springs and existing freeway signs.

Mr. Bell asked what the current Code requirement is today.

Mr. Darnell explained that the current Code today only requires a minor conditional use permit. There are no standards currently for freeway-oriented signs.

Mr. Riggle explained that there are a number of buildings that front the freeway and while they may not meet the 9-acre minimum complex size for a freestanding freeway sign they could still have a building sign and be seen from the freeway.

Shifting gears from freeway signs to roof signs, Mr. Morrison had a question about language on Page 4 of the materials provided - do you intend to allow new and more rooftop signs in the future? He brought it up because nationwide the trend is very clearly "no more roof signs" and "get rid of the ones we have as soon as possible." Ms. Kahn explained that roof signs are being listed as prohibited unless permitted by another provisions of the Code such as those allowed for historic buildings. She also explained that we talked about how roof signs might be appropriate in some instances based on the architecture of a building but it would require a conditional use permit.

Mr. Solomon agreed that, we should always be able to have a provision that provides the opportunity to do the right thing that is aesthetically and architecturally the right thing to do. You miss out on so many good opportunities.

Mr. Morrison, expressed that from the point of view from a potential litigator, when hears this, he thinks of standing in front of a Federal judge and the judge is asking why we allow for one but not the other.

Shifting gears back to freeway signs, there was clarification that the cumulative total number of freeway signs would be approximately 12 freeway signs total with the 9-acre minimum site size requirement.

Mr. Riggle asked about Section F regarding roof signs, whether there was any proposed change? The Committee consensus was that no change was needed.

Mr. Riggle asked, regarding the 9-acre requirement for freeway signs, is there any proposed change?

No change was proposed and the discussion shifted to nonconforming signs specifically as this section relates to freeway signs.

Mr. Solomon asked whether you could do improvement to an existing non-conforming freeway sign, spruce it up and make it look nice.

Ms. Kahn indicated that there are provisions on how you deal with nonconforming signs. There are certain alterations that can be made to existing non-conforming signs as long as you do not make it bigger, etc. She referenced Page 56, Section 19.620.130 where most of the provisions carried over from the existing chapter, and we added a little more.

Mr. Riggle stated that the Section she is referring to reads: "Reasonable routine maintenance and repairs may be made on signs that are non-conforming as long as there is no expansion of the non-conformity with the current requirements of this chapter." In other words, you can fix your sign up if you do not make it bigger.

Mr. Darnell asked, depending on how to interpret reasonable, routine maintenance, how much can you change?

Ms. Kahn suggested cross-referring the non-conforming structures section of the Zoning Ordinance. The City has experience in determining routine maintenance and what goes beyond this.

Mr. Darnell referred to Page 57, Item B - Sign Alterations and Additions to Nonconforming Signs and cited "no non-conforming sign shall be moved, altered or enlarged unless required by law or unless moving, alteration, or enlargement will result in the elimination of the nonconformity." He asked, how can you remove the non-conformity if you are on a site that is seven acres and the Code requires 9 acre?

Mr. Solomon said it's an issue when he has a client that wants to fix up a pylon. It's sad when we are restricted and don't know which route to go. Sometimes we turn around and just leave it alone - don't bother.

Ms. Kahn suggested that she has written non-conforming provisions that allow subject to discretionary review of alterations that reduce a nonconformity subject to findings. What we suggest and what some jurisdictions do is allow alterations if it makes it more conforming. The way it is written now, is that you can't do anything unless it eliminates the nonconformity.

Mr. Morrison said, so the solution is to eliminate or reduce the nonconformity, i.e. make it better or more conforming. She indicated that a City may want to allow relocation of non-conforming signs that is a better location. If we add language, Mr. Riggle said we should use the language that the nonconformity shall be substantially reduced. Due the subjectivity of the word "substantially", Ms. Kahn indicated that that is why you would need to make this determination discretionary and a finding that

Mr. Riggle asked whether there was a motion for this item or leave it alone. No motion was made.

- Building wall signs. The proposed Code would allow for maximum of 1 square-foot of sign area per 1 lineal-foot of tenant/establishment building frontage. On April 2nd the Committee voted to allow, through a sign program, a 15 percent increase in sign area plus another 10 percent increase with a modification/sign deviation up to a maximum of 25 percent increase in sign area.

Mr. Bell made a **Motion** to rescind the 1.25 to 1 ratio and increase the allowable area for wall signs to 1.5 square foot per 1 lineal foot of building frontage.

Mr. Solomon clarified that the requirement should change from 1 square-foot per lineal foot of frontage to 1.5 square foot per lineal foot of building frontage (i.e., no 10 percent or 25 percent, just 1.5 to 1 and leave it).

Mr. Riggle explained the intent and benefit of the way it is proposed now, is that incentive is provided by allowing an increase in sign area through a sign program and by doing a sign program this ensures a cohesive design but thought 1.5 to 1 created too much disparity between businesses under a sign program and not business friendly to those without a sign program. He felt the important question is what is the right amount of signage and 1.5 is a pretty far jump.

Mr. Riggle re-stated Mr. Bell's **Motion** revised as follows:

That the 15 percent increase allowed through a sign program, be increased to 25 percent, and the 10% increase in sign area that could be allowed through modification/sign deviation, be increased to 25 percent. This would result in a net increase of 50 percent for a sign program and with a sign modification. The **Motion** was seconded by Ms. Winant.

Ms. Roth indicated the Chamber represents a lot of small business and asked, what is the impact to them?

Mr. Thompson felt that the 25 percent was pretty good and that we should be careful about too much disparity. Mr. Riggle referred to charts for wall signs and freestanding signs.

Ms. Kahn clarified that the modification provisions would be available for any sign regardless of a sign program so you could get 10 percent with a modification and an additional 15 percent with a program.

Mr. Mahatadse asked, what if we changed it from "and" to "or", so that you could get an increase for either a sign program, or a modification? Maybe you get 25 percent for one or 25 percent for the other.

Mr. Riggle said we have a motion and a second and re-stated the **Motion** on the table. The Committee voted and the **Motion** was denied.

Ms. Kahn asked, does the Committee want to do anything with the modification provision or leave it at 10 percent?

A **Motion** was made to leave it as is. The **Motion** was seconded. The Committee voted and the **Motion** carried unanimously.

- Permit requirements are cumbersome, specifically Item Nos. 3, 4, 8, 10, & 11. Staff proposes to eliminate these and change the language to state, "That applications shall include plans, and items per a form as approved by the Director."

A **Motion** was made to approve as recommended and seconded; The Committee voted and the **Motion** carried unanimously.

- Consider the addition of digital (EMC) menu boards for drive through restaurants. Staff will seek consensus and direction from the Committee.

Mr. Riggle asked who proposed this provision. Mr. Stout who is not in attendance This is where the technology is going for drive through businesses.

Mr. Riggle was concerned with the electronic/digital signs visible from the street that is changing copy (i.e. the sign switches to a menu board with car driving in and then it turns into video when the car drives away). If the Committee is to consider this issue, the control would be to have restrictions if it is visible from the street and then it cannot be something other than a menu board sign.

Ms. Penner agreed and made a **Motion** that we should allow electronic message centers that are drive through menu board signs subject to restrictions where visible from the street. The Committee voted and the **Motion** was seconded by Mr. Earley.

Discussion on frequency of changeable copy signs. Ms. Kahn explained that, as the Code reads now, "for all changeable copy signs, an electronically displayed message may change no more frequently than once every 8 seconds except for signs located in a residential district or readily visible from residential property which shall not change more than twice in a 24-hour period and shall not be illuminated between the hours of 10 p.m. and 7 a.m. As she understands now, the Committee would want to add, in commercial districts, that if it is visible from the public right-of-way that it be screened.

Mr. Riggle suggested changing Janice's Motion to limit change in display no more than twice in a 24-hour period and that it would not be illuminated when the business is closed. Also that there be a separate item for regulations for the drive-through EMC menu boards.

Mr. Solomon suggested we just limit the display to a menu so that you do not have the display switch to other forms of advertising.

Legal counsel, Mr. Morrison, advised that if we say that the sign at the location can only put the menu on the sign, it is content control and would cause legal problems. He further clarified that time, place and manner controls are ok (i.e., hold time of 8 second, static display only, no motion, no appearance of motion, still images, etc.). Ms. Kahn clarified that the way we wrote the provisions for EMC displays is that they shall contain static messages only and shall not have appearance of movement, etc.)

Mr. Riggle re-stated Ms. Penner's **Motion** (final revised motion) that: EMC drive-through menu board signs, when visible from the streets shall not have a change of copy more

than 3 times in a 24-hour period and when not visible from the street (public right-of-way) could change every 8 seconds under the guidelines on static display and appearance of motion and would be turned off when the business is not in operation.

A question was clarified that there are size and height standards for menu board signs.

The **Motion** made by Ms. Penner and seconded by Mr. Earley. The Committee voted and the **Motion** carried unanimously.

- Item to revisit the proposed 100-foot setback requirement for way-finding signs within commercial complexes, and consider a reduction of this requirement. Wayfinding signs would be allowed for commercial complexes 6 acres or more in size.

Mr. Thompson stated these signs are limited to 15 square feet, they are only allowed with a sign program, and when he did a field test, you cannot read a 4 to 5 inch letter from 75 feet away. He felt that 100 feet is a little excessive and based on this; Mr. Thompson made a **Motion** for item 2b to change the minimum setback for wayfinding signs from 100 feet to 75 feet.

It was clarified that the signs are intended for direction once you are already within the site already looking for parking, bathrooms, tenant, etc. There was discussion about whether the Code would allow them to be illuminated and whether they should be allowed to be illuminated.

There was a suggestion that the location/setback be determined under a sign program and eliminate Item b, setback requirement.

Mr. Darnell clarified there are two types of directional or wayfinding signs.

- 7 feet tall and 15 square feet for the internal wayfinding signs
- Smaller monument directional signs that would be allowed at vehicular entrances to a center. The internal wayfinding signs to be internal to a center along a loop or ring road.

Mr. Hanson, Deputy City Attorney, clarified that Mr. Darnell's point is that, if you eliminate the setback requirement, you could have these larger (7-foot tall wayfinding signs) at the entrance which is not the intent.

Mr. Riggle re-stated Mr. Thompson's **Motion** for item 2b, that wayfinding signs be setback 75 feet from the public right-of-way. The **Motion** was seconded by Ms. Penner. The Committee voted and the **Motion** carried unanimously.

Mr. Riggle further made a **Motion** that these types of signs be allowed to be illuminated. Ms. Roth seconded the **Motion**; The Committee voted and the **Motion** carried unanimously.

- Tall building signs (i.e., multiple-story buildings greater than 3 stories). It was determined by the Committee that there were no further issues related to tall building signs and that the proposed tall building sign provisions are OK.

- Temporary Signs in Residential Zones. The proposed provisions for temporary signs carried over the existing Code's provisions related to temporary signs in residential zones. The only types of signs allowed for residential zoned properties are real estate signs, directional, open house, subdivision, construction site signs and free speech signs. Should other types be allowed?

Mr. Riggle asked for clarification on this issue.

Mr. Darnell indicated that this was an item raised by staff, and asked the Committee whether, what is allowed is adequate, or does the Committee think that other types of signs, i.e. banners or flags should be allowed as temporary signs for residential zones.

Ms. Kahn clarified that temporary signs in residential zones must be a freestanding not exceeding four square feet in area or six feet in overall height so it could not be a banner (i.e., no feather banner, etc.). There is a limit, so the basic question is, does the SCRC want to change the standards or allow for different types?

Mr. Comer asked whether staff had a recommendation. Mr. Darnell replied, no recommendation. Based on no recommendation, the Committee decided it was best to leave it the way it is.

- Enforcement. Mr. Whyld stated that the Subcommittee made a specific recommendation to the City Council to endorse a robust sign code enforcement program with the purpose of achieving a level playing field in the Community in terms of signs instead of just complaint based response where only enforcement is done for certain signs and others are ignored.
- Mr. Morrison congratulated the Committee on an excellent job & commended the citizens for their effort. He said the Committee's sense of cooperation and reaching consensus is remarkable.

7. Recommendation to the Planning Commission

- Mr. Earley made a **Motion** to recommend City Planning Commission and City Council approval of the proposed General Sign Provisions with the changes recommended by the Committee today. The **Motion** was seconded. The Committee voted and the **Motion** carried unanimously.
- Ms. Roth asked when the Sign Code would be going to the Planning Commission and indicated that the Committee needs to be there and show unanimous support for moving forward to City Council. Mr. Darnell indicated tentative date of June 18th.

8. Adjournment